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Attorneys for Defendants  
 DYNAMIC PET PRODUCTS and  
 FRICK'S MEAT PRODUCTS, INC.

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

STEPHANIE BROWN, on Behalf of  
 Herself and All Others Similarly  
 Situated,

Plaintiff,

vs.

DYNAMIC PET PRODUCTS and  
 FRICK'S MEAT PRODUCTS, INC.,

Defendants.

Case No. 17-CV-0659 WQH DHB

**DEFENDANTS' NOTICE OF  
 MOTION AND MOTION TO  
 DISMISS/MOTION FOR JUDGMENT  
 ON THE PLEADINGS**

Hearing Date: March 18, 2019  
**NO ORAL ARGUMENTS UNLESS  
 REQUESTED BY COURT**

Magistrate: Hon. David H. Bartick  
 Location: 10th Floor

TO PLAINTIFF AND HER ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that on March 18, 2019, defendants Frick's Meat Products, Inc. and Dynamic Pet Products will move this Court to dismiss this action pursuant to Federal Rule of Civil procedure 12(b)(6) and for judgment on the pleadings under Federal Rule of Civil Procedure 12(c) on the following grounds:

First, the *Taylor* judgment in Missouri would be res judicata under Missouri law, and because Plaintiff cannot demonstrate there are applicable exceptions to giving that judgment preclusive effect under the Full Faith and Credit Act, 28 U.S.C. § 1738, Plaintiff's claims are barred by res judicata. Second, Plaintiff chose not to opt out of the *Taylor* settlement, and thus her claims in this proceeding have been

1 released by the *Taylor* settlement agreement.

2 The motion will be based on this Notice of Motion and Motion, the  
3 Memorandum of Points and Authorities, Request for Judicial Notice, and Declaration  
4 of David Aveni filed herewith, and upon such other argument as may be offered at  
5 the time of any hearing held on this motion.

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7 Dated: February 7, 2019

**WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP**

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10 By: /s/ David J. Aveni, Esq.  
11 Gregory D. Hagen, Esq.  
12 David J. Aveni, Esq.  
13 Attorneys for Defendants  
14 DYNAMIC PET PRODUCTS and  
15 FRICK'S MEAT PRODUCTS, INC.  
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